

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

William F. Downes, Chief, U.S. District Judge

Darci Smith, Deputy Clerk
Jamie Hendrich, Court Reporter
Heather Lloyd, Law Clerk

March 25, 2008
Casper, Wyoming

Case No. 07CR193-D USA v McGILL

UNITED STATES OF AMERICA,

Plaintiff,

Kerry J Jacobson, Attorney
Mikala Dawson
Paul Swenson, SA, FBI

v.

TRAVIS J McGILL

Michael H Reese, Attorney

Defendants.

COURTROOM MINUTES
JURY TRIAL (SELECTION CONTINUED and COMMENCEMENT OF TRIAL)
DAY II

8:19 am	Court in session. A pool of prospective jurors are present. Present at Plaintiff's table are AUSA Kerry Jacobson, SA Paul Swenson, and Mikala Dawson. Present at Defendant's table is defense attorney Michael Reese as well as the defendant, Travis McGill. Jury selection continued.
8:20 am	Peremptory challenges by both parties.
8:45 am	Three jurors called forward for voir dire by the Court.
8:53 am	Voir Dire by plaintiff's counsel, AUSA Kerry Jacobson.

8:55 am Voir Dire by defense counsel, Michael Reese.

8:58 am Peremptory challenges of three prospective jurors

9:05 am Remaining jurors removed from panel and the petit jury panel was sworn for this case. The released jurors were thanked for their service and excused.

9:08 am Court in recess; morning break.

9:49 am Court in session outside the presence of the jury; same participants present; Daubert hearing and other motions addressed. The Court will allow the testimony of SSA James T Clemente and will rule on defense objections made during testimony. The Court will appoint attorney Jakob Norman to represent alleged victim and witness B.W.; the Court will also make any rulings on objections made during testimony; other witnesses will have to be questioned by both parties outside the presence of the jury in order for the Court to make a ruling on admissibility or any other objections. Any such hearing will take place prior to calling said witnesses. The AUSA will wait to offer video deposition to the Court after receiving ruling on other witnesses as deposition may not be used. The Court addressed the reports and rumors of witness intimidation and/or tampering. The Court ordered that any person caught in the practice is to be brought before the Grand Jury for possible Indictment. Trial schedule also addressed.

10:22 am Court in recess.

10:29 am Court in Session; same participants and petit jury present. Preliminary instruction given to petit jurors.

10:45 am **Opening statement** by plaintiff's counsel AUSA Kerry Jacobson.

11:15 am **Opening statement** by defense counsel Michael Reese.

11:30 am The Court excused the jury for lunch. Jurors to return at 1:30 to continue proceedings. Jury dismissed. Proceedings continued outside the presence of the jury.

11:31 am Evidentiary hearing held outside the presence of the jury. The Court asked for clarification and specificity as to the defense objection to witness SSA James Clemente. Argument heard by both parties. The Court offered to call witness to have him examined by counsel, defense counsel refused the offer. The Court also addressed issues with attorney Jakob Norman and his client with both parties.

11:51 am Court in recess until 1:30 pm.

1:37 pm Court in session; witness James Clemente called and sworn

1:38 pm **Direct examination of James T Clemente, Supervisory Special Agent, Behavioral Science Unit, Federal Bureau of Investigation**, VA, by plaintiff's counsel, AUSA Kerry Jacobson. Government's exhibit 1 offered, admitted and published to the jury. Government's exhibits 31A, 31B, 31C, 31D, 31E and 31F used by the government and published for identification purposes only, admitted by the Court for this limited purpose.

2:49 pm **Cross examination of SSA Clemente** by defense counsel, CJA Michael Reese.

2:59 pm Court in recess; reconvene in 20 minutes.

3:27 pm Court in session, same participants present; **Cross examination of SSA Clemente** by defense counsel, CJA Michael Reese, continues.

3:49 pm **Re-Direct of SSA Clemente** by plaintiff's counsel, AUSA Kerry Jacobson.

3:54 pm **Re-Cross of SSA Clemente** by defense counsel CJA Michael Reese. The jury was excused from the courtroom for a short break.

3:57 pm **Voir Dire of SSA Clemente** by the Court, outside the presence of the jury.

4:03 pm **Examination of SSA Clemente** by plaintiff's counsel, AUSA Kerry Jacobson.

4:07 pm **Examination of SSA Clemente** by defense counsel, CJA Michael Reese. The **Court ordered sua sponte that all witnesses be sequestered**. The Court also advised witness E. W. had been found in Denver and would be in Casper tomorrow morning.

4:09 pm Witness is excused and Court in recess.

4:20 pm Court in session; same participants present; outside the presence of the jury. The Court addressed issues within the Indictment and directed parties to compile statements and authorities to support their positions.

4:25 pm Jury returned to the courtroom; S.W. is called forward and sworn.

4:26 pm **Direct Examination of S.W.**, Ft Washakie, by plaintiff's counsel, AUSA Kerry Jacobson. Government's exhibit 4 offered and admitted. Exhibit is one of the exhibits that have been stipulated to by both parties.

5:12 pm The Court admonished the jury and released them for the evening. Jury to return Wednesday at 8:15 am. The jury left the courtroom. The Court held a sidebar with counsel and witness.

5:26 pm Court in recess until 8:15 tomorrow.